IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7859 OF 2004

Shri Jagannath Shripati Bhandare ...Petitioner
vs.
The Controller of Rationing and Ors. ....Respondents

S.H. Joshi for the petitoner.
Mr. P.A. Pol for Respondent no.4.

CORAM: S.U. KAMDAR, J.

DATE : 21st November, 2005.

P.C. :

1. The present petition is filed challenging the order passed by the Hon'ble Minister in Revision Application dated 2.6.2004, By the present petition the petitioners are challenging the issuance of rationing shop licence to the respondent no.2 which is co-operative society.

2. It is the case of the petitioner that

petitioner is from a backward community and thus entitled to priority under a notification dated 6.3.2002. It is his case that the rationing shop allotted to the respondent no.2 is illegal because under the priority the co-operative society is at Serial no.6 whereas the category of backward class citizen is at serial no.3. However on perusal of the order passed by the Minister it is found that the petitioners application for allotment of ration shop was not valid because as on the date of the said application he did not have vacant shop premises for the purpose of running the ration shop. On inspection it was found that the shop premises on the basis of which he has applied for the ration shop licence was in possession of one Mr. Dubey and was carrying on the business of selling onion and potatoes. Apart therefrom it is an admitted position that the petitioner is a mere licensee of the said premises and his licence is to be expired in 2006. In that light of the aforesaid matter the ration shop cannot be allotted to the petitioner when the premises in which he is

seeking to run the shop is neither vacant nor he has any right in the said premises. In that light of the matter, there is no substance in the said petition. Petition accordingly rejected. No order as to costs.

sd/-

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